

DEPARTMENT OF PUBLIC WORKS
BUREAU OF SANITATION
BOARD REPORT NO. 1
MARCH 22, 2019

CD: ALL

AUTHORITY TO EXERCISE A RENEWAL OPTION TO THE MEMORANDUM OF UNDERSTANDING (C-125522) WITH THE COUNCIL FOR WATERSHED HEALTH FOR THE MANAGEMENT OF THE LOS ANGELES RIVER WATERSHED MONITORING PROGRAM (LARWMP)

RECOMMENDATIONS

1. Request authority from the Board of Public Works (Board) to exercise the five-year renewal option as authorized by Council File No. 15-0271 to the Memorandum of Understanding (MOU) (C-125522), with the Council for Watershed Health (CWH) for the monitoring and management of the Los Angeles River Watershed Monitoring Program (LARWMP). By exercising the renewal option, the term of the MOU will end on September 30, 2023. The total MOU cost ceiling remains unchanged at \$1,520,079.39.

TRANSMITTALS

1. Copy of the adopted LA Sanitation and Environment (LASAN) Board Report No. 1, dated December 22, 2014, authorizing the execution of the MOU (C-125522) with the CWH for the monitoring and management of the LARWMP.
2. Copy of the MOU (C-125522) between LASAN and the CWH for the monitoring and management of the LARWMP, executed on April 10, 2015.

FISCAL IMPACT STATEMENT

There will be no impact to the General Fund. Funding for this MOU renewal will come from the Sewer Operations and Maintenance Fund.

DISCUSSION

Background

The LARWMP is an integrated approach to water quality monitoring, designed to address inefficiencies and improve coordination between existing, but disparate, watershed monitoring programs. A technical workgroup comprising numerous stakeholders (state and federal regulatory agencies, key permittees in the watershed, resource managers, non-profit organizations, and citizen monitoring groups) developed the program collaboratively to address five (5) core management questions:

1. What is the condition of streams in the watershed?
2. Are conditions at areas of unique interest getting better or worse?
3. Are receiving waters near discharges meeting water quality objectives?
4. Is it safe to swim?

5. Are locally caught fish safe to eat?

A multi-level monitoring design, combining probabilistic and targeted sampling for water quality, toxicity, bioassessment and habitat condition, was determined to produce data products and a monitoring frequency to adequately answer these management questions. Portions of this program, related to Questions 1 and 2, were implemented in 2008 through a set of cooperative efforts and temporary compliance monitoring offsets. The remaining components of the program were implemented in 2009 and continued through 2014. Following five years of monitoring, a State of the Watershed Report was prepared detailing the condition of the Los Angeles River and its tributaries. Monitoring results also were reviewed annually by the technical workgroup, and adjustments to program elements (e.g., sampling frequency or constituents analyzed) were recommended.

On December 22, 2014, the Board granted the authority to execute an MOU with the CWH to manage the LARWMP. (Transmittal No. 1) This MOU was subsequently approved by Los Angeles City Council Action on March 31, 2015 (Council File No. 15-0271), and the MOU (C-125522) was executed with CWH on April 10, 2015. (Transmittal No. 2)

Project Scope

The CWH will be responsible for managing and conducting the regional monitoring elements (i.e., monitoring other than discharger compliance monitoring required by National Pollutant Discharge Elimination System [NPDES] permits) of the LARWMP. This includes managing the overall program; collecting and analyzing samples; and data compilation, analysis, and reporting. Some of these services will be performed jointly with City of Los Angeles (City) staff as noted below. Additional details regarding the Scope of Work to be performed are included in the LARWMP (dated December 21, 2007). Each year, results from prior sampling will be discussed with the workgroup, and program modifications shall be made as deemed appropriate by the workgroup. The scope of work includes the tasks listed below.

Task 1. Modify Program Documents

- a) Update the Quality Assurance Project Plan (QAPP) to incorporate changes in personnel, sampling and analytical protocols, and standard procedures, ensuring that all modifications are compatible with the Surface Waters Ambient Monitoring Program (SWAMP) and the San Gabriel River Regional Monitoring Programs (SGRRMP). The LARWMP is not part of a regulatory program; however, it is required by a regulatory program through NPDES permits, and the data generated will be incorporated into the SWAMP database in the future; therefore, LARWMP must meet the SWAMP guidelines for data quality.

Task 2. Monitoring Program

- a) Identify, via site reconnaissance, ten (10) randomly selected freshwater sites distributed throughout the upper and lower Los Angeles River watershed. Determine sampling and laboratory participation by agencies associated with the CWH (including the City of Los Angeles).

BUREAU OF SANITATION
BOARD REPORT NO. 1
MARCH 22, 2019

Page 3

- b) Coordinate logistics and schedules with all participating entities for spring sampling dates and locations for the targeted and random sites.
- c) Secure necessary access permissions for entry into the Los Angeles River and tributary channels, Forest Service land, and private property.
- d) Collect annual water chemistry and toxicity samples at the fourteen (14) random and fixed freshwater sites. Sampling will occur over a period of two (2) to three (3) weeks in the late spring. Exact timing will depend on the prior rainfall season. All chemistry and toxicity analyses will be completed by the City with the exception of organophosphate pesticides, which may be completed by a private lab. Therefore, the sampling schedule will be coordinated with the City and agreed upon by both parties prior to samples being collected to enable the City laboratories to schedule these analyses into their operating programs. Collection at confluence points may be conducted by County of Los Angeles Department of Public Works.
- e) Conduct annual bioassessment and physical habitat measurements at the fourteen (14) random and fixed freshwater sites. California Department of Fish and Wildlife's current bioassessment protocols will be employed, as well as the California Rapid Assessment Method (CRAM) for habitat and bioassessment developed by the Southern California Coastal Water Research Project (SCCWRP). These sites include those in (d) above, and bioassessment will be conducted within the same timeframe as the water sample collection. Bioassessment at confluence points may be conducted by County of Los Angeles Department of Public Works.
- f) Collection and analysis of water chemistry of the estuary site will be a joint effort with the City.
- g) CRAM assessment only will be conducted at the eight (8) high-value, targeted sites specified in the CWH Program (determined by the CWH). Additional monitoring elements may be added to this portion of the program after protocols have been completed and/or at the discretion of the Council.
- h) Bacteria samples will be collected at six (6) to ten (10) swimming sites and nine (9) sentinel sites to assess health risks of water contact. Samples will be taken weekly from late spring through early fall each year. Analysis will be conducted by the City.
- i) Bacteria samples at the estuary site shall be collected and analyzed twice weekly throughout the year by the City.
- j) Special Study 1 – Bioassessment monitoring is currently being conducted at each of the survey sites in the Los Angeles watershed each year using SWAMP protocols, which employ the use of aquatic insects as indicators. Similar protocols using attached algae are currently being developed by SCCWRP. These protocols were used in the 2008 sampling and will be applied to eight (8) of the same locations in the watershed. Special Study 1 will be conducted by the CWH.
- k) Special Study 2 – Conduct a survey of anglers in the Los Angeles River to more adequately answer the question, "Are fish safe to eat?" The study will provide a more comprehensive survey of design aspects such as where fishing is occurring and what

BUREAU OF SANITATION
BOARD REPORT NO. 1
MARCH 22, 2019

Page 4

species are being caught and/or consumed in addition to demographic information. Special Study 2 will be conducted by the CWH.

Task 3. Data management, analysis and reporting

- a) Compile and review quality assurance data for all samples as appropriate.
- b) Compile analytical data into a SWAMP compatible database in Microsoft Access format.
- c) Coordinate with other LARWMP participating agencies to acquire sampling data in accordance with the LARWMP and incorporate into a consolidated database.
- d) Produce a brief annual legal report summarizing sampling activity and analysis of monitoring results of the LARWMP.
- e) Develop a searchable database application suitable for the program's website.
- f) Update LARWMP website and post annual report.

Task 4. Project Management and Administration

- a) Facilitate up to six (6) periodic technical workgroup meetings each year to review the sampling design, prepare for the annual sampling, and discuss findings and status of the program.
- b) Continue to coordinate with approximately seven (7) to ten (10) partner agencies (US Environmental Protection Agency, Southern California Coastal Water Research Project, City of Compton, Friends of the Los Angeles River (FoLAR), Angeles National Forest, Los Angeles Regional Water Quality Control Board, City of Burbank, City of Glendale) on sampling, data analysis, and reporting.
- c) Prepare and submit an annual status report to the Los Angeles Regional Water Quality Control Board documenting project activities, expenditures, and status.

Task 5: Preparation and distribution of the State of the Watershed report

- a) Review existing information on the Los Angeles River Watershed for inclusion in the State of the Watershed Report.
- b) Determine the format for presentation, the target audience, and the layout for the State of the Watershed Report and Annual Reports.
- c) Research existing gaps in current information and methods to answer the program's five (5) questions and present to the technical workgroup.
- d) Develop a work program to resolve disparities identified by the workgroup in trying to answer the five (5) questions and present for review and comments by the technical workgroup.

Justification

In order to secure uninterrupted monitoring and management services for LARWMP, LASAN is requesting authority from the Board to exercise the five-year renewal option with the CWH. LASAN seeks to continue services with the CWH for the following reasons:

BUREAU OF SANITATION
BOARD REPORT NO. 1
MARCH 22, 2019

Page 5

- Both the Donald C. Tillman and Los Angeles-Glendale Water Reclamation Plant NPDES Permits require the City of Los Angeles to participate in the development and implementation of a watershed-wide monitoring program for the Los Angeles River. The City is also required to submit annual LA River monitoring reports to the Los Angeles Region Water Quality Control Board (RWQCB).
- The LARWMP is an integrated regional approach to water quality monitoring, designed to address inefficiencies and improve coordination between existing, but disparate, watershed monitoring programs. The City has a vested interest in protecting the environment of the LA River for the benefit of its residents and the native plants and animals of the watershed.

Cost Estimate

The cost ceiling for this MOU is \$1,520,079.39 for the entire contract term and does not change by exercising this renewal option.

Funding History

The cost of the CWH's MOU for the first year is \$270,571.69 for all services pursuant to the contract. Total funding for the five (5) year term is \$1,520,079.39 (adjusted for a maximum 5% CPI escalation each year plus \$25,000 for the sponsorship of the five year State of the Watershed Symposium).

Fiscal Year	Estimated Cost (\$)
2018 – 2019	\$270,571.69
2019 – 2020	\$284,100.28
2020 – 2021	\$298,305.29
2021 – 2022	\$313,220.55
2022 – 2023	\$328,881.58
Five year State of the Water Symposium	\$25,000.00
Total Estimated Cost (\$)	\$1,520,079.39

Proposed Term of the MOU

The term of the MOU was established for five years from the date of execution with one five-year renewal option to be exercised at the City's sole discretion. LASAN is requesting to exercise the five-year option, which would extend the end date to September 30, 2023.

Charter Section 1022

The Personnel Department found that, in accordance with Charter Section 1022, there is insufficient existing City staff possessing the expertise to perform the work proposed in the MOU and additional staff cannot be employed and trained in a timely manner to meet LASAN's needs.

BUREAU OF SANITATION
BOARD REPORT NO. 1
MARCH 22, 2019

Page 6

Other City Requirements

The CWH shall be required to comply with the following applicable contractual requirements:

- Nondiscrimination/Equal Employment Practices/Affirmative Action
- Living Wage Ordinance and Worker Retention Ordinance
- Child Support Obligations Ordinance
- Business Tax Registration Certificate
- Municipal Lobbying Ordinance
- Contract Bidder Campaign Contribution and Fundraising
- Insurance Requirements
- Americans with Disabilities Act
- Non-collusion Affidavit
- Contract History
- Los Angeles Residence Information
- Iran Contracting Act of 2010 Affidavit
- Equal Benefits Ordinance
- Slavery Disclosure Ordinance
- Disclosure of Border Wall Contracting Ordinance

The CWH is exempt from complying with the following ordinances:

- First Source Hiring Ordinance
- Contractor Responsibility Ordinance

Contract Administration

The responsibility for administering this MOU will be with the Environmental Monitoring Division of LASAN.

Contract Performance Evaluation

In accordance with Article 13, Chapter 1, Division 10 of the City of Los Angeles Administrative Code, the appropriate City personnel responsible for the quality control of this MOU shall submit Contractor Performance Evaluation Reports to the Bureau of Contract Administration upon completion of this MOU.

Headquarters Address and Workforce Information

The headquarters address of the CWH is located at 177 E. Colorado Blvd., Suite 200, Pasadena, CA 91105. The Contractor has a staff of 8 employees and 1 resides within the City of Los Angeles.

Approved as to Form

The MOU has been reviewed by the City Attorney's Office and has been approved as to form.

BUREAU OF SANITATION
BOARD REPORT NO. 1
MARCH 22, 2019

Page 7

STATUS OF FINANCING

There is no impact to the General Fund. The total funding for this project is not to exceed \$1,520,079.39. Funding for Fiscal Year 2018-2019 in the amount of \$270,571.69 is available in the Sewer Operations and Maintenance Fund No. 760, Appropriation Unit No. 50RX82. The remaining funding will be budgeted within the Sewer Operations and Maintenance Fund.

BFY	Dept	Fund	Appropriation Unit No.	Amount (\$)
2018 – 2019	50	760	50RX82	\$270,571.69
Future FY	50	760	TBD	\$1,249,507.70
			TOTAL:	\$1,520,079.39

Funds and Appropriations for future fiscal years are not yet identified and existing appropriations may change based on available cash balances. Therefore, Funds and Appropriations will be determined by the Director of Sanitation or designee.

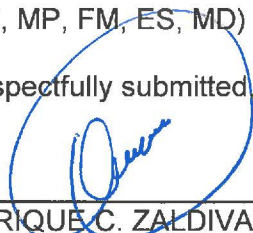
Funding as of the date of this Board Report has been verified and approved by the Director of Accounting subject to terms and conditions and cash availability described above.

BUREAU OF SANITATION
BOARD REPORT NO. 1
MARCH 22, 2019

Page 8

(AT, MP, FM, ES, MD)

Respectfully submitted



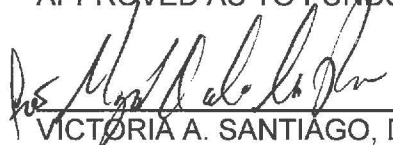
ENRIQUE C. ZALDIVAR, P.E.
Director and General Manager
Bureau of Sanitation

REVIEWED AND APPROVED BY:



LISA B. MOWERY, Chief Financial Officer
Bureau of Sanitation
Date: 3-11-19

APPROVED AS TO FUNDS:



VICTORIA A. SANTIAGO, Director
Office of Accounting
760/50/50RX82/\$270,571.69
Date: 3/11/2019

Prepared by:
Ephraim Manabat, EMD
(310) 648-5720